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**ORIGINAL**

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December 22, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445-12th Street, SW  
Room TW-A325  
Washington, DC 20554

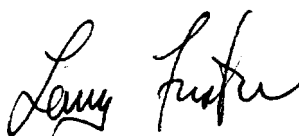
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**DEC 22 2000**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Petition for Clarification, CC Docket No. 90-571, Telecommunications  
Services for Individuals with Hearing and Speech Disabilities**

Dear Ms. Salas:

Please find attached WorldCom, Inc's Petition for Clarification of rules adopted in its Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking (FCC 93-104) in the above-captioned docket.

Sincerely,



Larry Fenster

cc: Karen Peltz-Strauss  
Stacey Pies

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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Telecommunications Services )  
for Individuals with Hearing and )  
Speech Disabilities, )  
and the Americans with )  
Disabilities Act of 1990 )

CC Docket No. 90-571

PETITION FOR CLARIFICATION  
WORLD COM, INC.

**Summary of Request**

WorldCom, Inc. ("WorldCom") respectfully requests the Commission to clarify that an Internet Protocol Relay Service (IP Relay) offered by WorldCom is an enhanced relay service, and therefore eligible for being reimbursed out of the interstate Telecommunications Relay Service (TRS) Fund.

**Background**

In its TRS Order on Reconsideration, the Commission determined that interstate TRS cost recovery should be accomplished through a shared funding mechanism to be administered by the National Exchange Carriers Association (NECA). The Commission supported this method of

cost recovery because it would "...provide incentives for TRS providers to offer high quality, innovative services at reasonable cost."<sup>1</sup> The Commission further noted that innovative relay operators that were able to generate higher levels of demand would benefit from a system that compensated according to minutes of use.<sup>2</sup>

Over the last few months, WorldCom has been testing a new relay service that has the potential to increase the volume and quality of relay calls, a development which affirms the rationale behind the Commission's interstate TRS cost recovery regime. WorldCom's new IP Relay service is used in the following manner:

1. A user establishes a local connection to an internet service provider (ISP) using a computer, web phone, personal digital assistant, or any other IP-capable device.
2. The user points their web browser to the internet address — "WWW.IP Relay.COM," and clicks on the relay operator icon.
3. When the call reaches WorldCom's Internet platform, a java applet is launched, which then automatically establishes a connection, via an 800 number, to WorldCom's relay center.
4. The call is immediately routed to a calling assistant, and a regular relay session is initiated.

#### **IP Relay is an Interstate Enhanced Service**

WorldCom believes its IP Relay service is first and foremost an enhanced service, which would bring it completely under federal jurisdiction, and make it eligible for reimbursement from the interstate TRS Fund.<sup>3</sup> The Commission has defined enhanced services as services "...which

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<sup>1</sup>In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Order on Reconsideration, Second Report And Order, and Further Notice of Proposed Rulemaking, Released February 25, 1993, at ¶ 24.

<sup>2</sup>Id.

<sup>3</sup>See Computer II Final Decision, 77 FCC Rcd at 435, ¶ 132.

employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information.<sup>4</sup>

In its Advanced Services Order, the Commission recently determined that relay services are by definition enhanced services in order to justify requiring relay providers to transfer customer profile information.<sup>5</sup> The Commission argued that relay service is an enhanced service because it involves voice-to-text translations that restructure calling information during a call. IP Relay would also be considered solely interstate under the application of this determination.

This altered definition of relay service is currently under reconsideration.<sup>6</sup> If the Commission were to revert to its earlier understanding of relay as a telecommunications service, IP Relay should still be considered an enhanced service. The Commission has elaborated the sorts of services that would qualify as enhanced services in its Computer II inquiry. In that docket the Commission noted that enhanced services involve "...communications and data processing technologies . . . intertwined so thoroughly as to produce a form different from any explicitly recognized in the Communications Act of 1934."<sup>7</sup>

Currently, IP Relay permits a user to make a traditional relay call, but because the call is initiated via an Internet connection, the user can make multiple relay calls simultaneously; play a

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<sup>4</sup>47 C.F.R. § 64.702(a).

<sup>5</sup>Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities Report and Order and Further Notice of Proposed Rulemaking CC Docket No. 98-67 ("Advanced Services Order"), Released March 6, 2000 at ¶ 81.

<sup>6</sup>Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Petition for Reconsideration, WorldCom, Inc., CC Docket No. 98-67, July 21, 2000, at p.6.

<sup>7</sup>Computer II Final Decision, 77 FCC 2d at 430, ¶ 120.

shared on-line game and discuss the game with their partner; hold a conversation about content on a web site the called and calling party are viewing simultaneously. Eventually, IP Relay will permit a caller to access a TTY number directory on our relay web site, and initiate a computer-to-TTY connection without the intervention of a calling assistant. In the future many other enhanced service and computer processing features will be intertwined with communications components. These additional graphic, text, and video features intertwined with traditional relay features make IP Relay an enhanced service according to the definition discussed above and therefore make it solely interstate.

#### **Clarifying that IP Relay is an Interstate Service is in the Public Interest**

WorldCom has been offering IP Relay on a limited basis since November 2000. Consumers have been very pleased with the service.<sup>8</sup> WorldCom has yet to be reimbursed for the development or operating costs of this new service. We have made provisions to begin scaling the service to meet increasing demands, but are unable to offer a truly nationally available service until the Commission clarifies the mechanism by which we may recover the cost of providing this service. Once reimbursement is a certainty, WorldCom will be able to ramp its service up to meet even rapidly growing levels of demand.

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<sup>8</sup>The following quotes from the Telecommunications Action Network (TAN ) list are representative of consumer satisfaction:

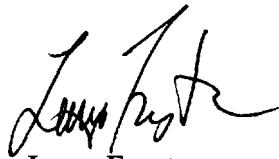
It works!!! You can call someone through this relay service while your internet is still on. You do not have to sign off and walk to the telephone to make your calls. Yes, it is a relay service. (11/24/00)

“ It worked fine for me, it just feels like doing another IM chat except there is one more party involved, the CA. This service is handy when you try to get the other person who is not online. Congrats to WorldCom for offering this service, and lets encourage other TRS providers, Sprint, AT&T, Hamilton and others to follow suit.” (11/27/00)

“I tested the IP-Relay this morning...wow, it worked beautiful!!!” (12/05/00)

WorldCom's new IP Relay service clearly offers persons with disabilities an improved communications experience. The service will make continued service quality enhancements that can be made available through free browser software upgrades, thereby eliminating the need to purchase expensive new devices in order to access service enhancements. By clarifying that IP Relay is an enhanced, interstate service, the Commission will move quickly to make the latest developments in internet service functionality to persons with disabilities, thereby helping to fulfill its mandate under Section 225(b)(1) and Section 225(d)(2) of the Telecommunications Act of 1996 to ensure that TRS is available to the greatest extent possible, and to encourage the use of existing technologies respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Fenster", with a stylized flourish at the end.

Larry Fenster  
WorldCom, Inc  
1801 Pennsylvania, Ave., NW  
Washington, DC 2000

## Statement of Verification

I have read the foregoing and, to the best of my knowledge, information and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on December 22, 2000

A handwritten signature in black ink, appearing to read "Lawrence Fenster", written over a horizontal line.

Lawrence Fenster  
WorldCom, Inc.  
1801 Pennsylvania Ave., N.W.  
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202-887-2180